

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION**

**IN RE: STEVEN MAY,  
Debtor**

**Case No. 4:09-BK-76305-JGM  
Chapter 7**

**DESERT SCHOOLS FEDERAL CREDIT UNION**

**MOVANT**

**vs.**

**STEVEN MAY, Debtor; and  
RENEE S. WILLIAMS, Trustee**

**RESPONDENTS**

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY PROVISIONS  
OF THE BANKRUPTCY CODE AND TO REQUIRE THE TRUSTEE  
TO ABANDON INTEREST IN COLLATERAL**

Comes now Desert Schools Federal Credit Union, by and through its attorneys, Wilson & Associates, P.L.L.C., and for its Motion for Relief from the Automatic Stay Provisions of the Bankruptcy Code and to Require the Trustee to Abandon Interest in Collateral, states:

1. It is the servicer of the deed of trust and deed of trust note originally executed by Steven B. May on July 8, 2005, securing payment in the principal sum of \$152,800.00 to Desert Schools Federal Credit Union. Copies of the deed of trust and deed of trust note are attached hereto and incorporated herein. This deed of trust covers the real property located at 919 West Monona Drive, Phoenix, Arizona 85027, more particularly described as follows:

**Lot 136, of ROSE GARDEN ESTATES, according to the plat of record in the  
office of the County Recorder of Maricopa County, Arizona, recorded in  
Book 217 of Maps, Page 16.**

2. The Debtor herein is currently in default under said deed of trust and deed of trust note by virtue of Debtor's failure to make the full regular monthly installment payments thereon.

3. The Debtor has defaulted in the terms of the agreement between the parties and there is an approximate outstanding principal balance due and owing on this obligation of \$143,878.81 plus accrued interest, applicable contractual charges, and reasonable attorney fees. The obligation is in arrears for the installment which was due on November 1, 2009 in the sum of \$1,028.48, and subsequent installments which were due on the same day of each month thereafter.

4. The material default described herein entitles Movant to relief pursuant to 11 U.S.C. §362(d)(1).

5. The Debtor has failed to provide Movant with adequate protection of its interest in the property by failing to maintain the deed of trust note payments to Movant. Therefore, the Court should grant Movant relief from the automatic stay to enable Movant to foreclose against and liquidate the property and, if appropriate, to file an unsecured claim in this Chapter 7 proceeding.

6. In the event that the proceeds of any sale conducted pursuant to the foreclosure proceeding exceed the amount of the foreclosure judgment, then Movant shall forward said proceeds to the Trustee for disbursement to other creditors.

7. Movant would allege and aver that this is a core proceeding pursuant to the provisions of 28 U.S.C. §157(b)(2) and the Bankruptcy Rules.

8. Movant requests that Rule 4001(a)(3) not apply in this case, thus permitting it to immediately enforce and implement an order granting relief from the automatic stay.

WHEREFORE, Movant prays:

A. That relief from the automatic stay provisions of 11 U.S.C. §362(d) be granted, and that the Trustee be required to abandon its interest in and to the collateral pledged to Movant under the provisions of 11 U.S.C. §554.

B. Alternatively, that the Debtor be allowed to redeem the collateral by payment of all sums due and owing to Movant.

C. That Movant have such other and further relief, both general and specific, to which it may be entitled in the premises, including, but not limited to, a reasonable fee for the services of its attorneys.

Respectfully Submitted,

WILSON & ASSOCIATES, P.L.L.C.  
1521 Merrill Drive, Suite D-220  
Little Rock, Arkansas 72211  
(501) 219-9388

By: /s/ Aaron Caldwell  
Aaron Caldwell (2008091)  
Erika L. Brock (2007178)  
Leslie D. Fryxell (88096)  
Kimberly D. Burnette (88077)

Attorneys for Movant

**CERTIFICATE OF SERVICE**

On March 12, 2010, a copy of the foregoing was served via electronic mail, upon the parties listed below:

David V. Ruff, II  
Attorney at Law  
1915 Mall Drive  
Texarkana, TX 75503

Renee S. Williams  
Trustee  
125 Roberts Ridge Terrace  
Hot Springs, AR 71901-7286

/s/ Aaron Caldwell  
Aaron Caldwell  
Erika L. Brock  
Leslie D. Fryxell  
Kimberly D. Burnette

W&A No. 1460-184092 / Loan No. xxx2767